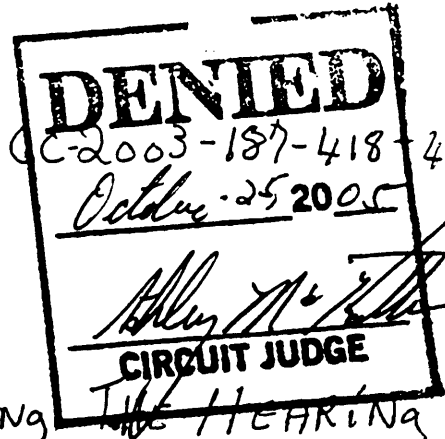


IN THE CIRCUIT COURT OF COVINGTON COUNTY ALABAMA

LARYIE EARL JONES,
DEFENDANT,

V.
STATE OF ALABAMA,
PLAINTIFF

CASE No. C-2003-187-418-419



MOTION FOR A BAIL PENDING
OF ARRAIGNMENT TO WITHDRAW
PLEA OF GUILTY

OCT 24 2005

COMES NOW THE DEFENDANT LARYIE EARL JONES, PRO, SE,
MOVES THIS HONORABLE COURT FOR A BAIL PENDING
THE HEARING OF ARRAIGNMENT TO WITHDRAW
PLEA OF GUILTY, AND AS THEREFORE STATES THE
FOLLOWING GROUNDS;

1. THE DEFENDANT HAS A STRONG FAMILY TIES, AND HIS FAMILY ASSURED EMPLOYMENT, HE WILL BE WORKING FOR MR CHARLIE TILLIS, DEFENDANT APPARENT DETERMINATION TO LIVE A USEFUL AND PRODUCTIVE LIFE, DEFENDANT IS NOT A FIGHT RISK, HE NOT DANGER TO COMMUNITY OR POSE DANGER TO ANY OTHER PERSON, HE HAS BEEN LIVING IN COVINGTON COUNTY FOR 15 YEARS. DEFENDANT WIFE IS BAD OFF SICK AND HE NEED TO BE THERE FOR HER, DEFENDANT DID WRITE HIS COUNSEL TELL HIM ABOUT HIS WIFE AND HE NEVER ANSWER HIS LETTER. CHARLIE TILLIS WILL BE RESPONSIBLE FOR THE DEFENDANT IF HE BE RELEASE.

J MR TILLIS NEED HIM TO WORK FOR HIM.

2. DEFENDANT COUNSEL IS STILL INEFFECTIVE ASSISTANCE BECAUSE HE FAIL TO GIVE HIS COMPLETE LOYALTY, AND FAILING TO SERVED DEFENDANT CAUSE IN GOOD FAITH AND TO THE BEST OF HIS ABILITY, DEFENDANT REQUEST BAIL PENDING HEARING FOR THE 11-8-05.
3. THE DEFENDANT HAS FILE AN APPEAL, AND HE REQUESTS THAT THIS ^{MOTION} BE TREATED AS A MOTION TO VACATE SENTENCE BECAUSE OF LEGAL ERROR COMMITTED DURING TRIAL HE IS ENTITLED TO BAIL PENDING APPEAL, DEFENDANT HAS DEMONSTRATE THAT HE HAS SUFFICIENT LEGAL MERIT TO CREATE GENUINE CONCERN THAT HE IS WRONGFULLY HELD IN CUSTODY PENDING APPEAL. U.S V. MACDONALD D.C.N.C. 1979, 485 F. SUPP. 1087, U.S V. SCHIAVO, C.A. MASS, 1978 587 F.2d 532.

WHEREFORE, THE DEFENDANT PRAYS THAT THE HONORABLE COURT GRANT HIS MOTION AND A REASONABLE BAIL BE SET AT THE EARLIEST POSSIBLE TIME AS A MATTER OF RIGHT BY LAW OCT 24 2005

RESPECTFULLY SUBMITTED THIS THE 28 DAY
OF OCT, 2005

Sargie Earl Jones
SIGNATURE OF DEFENDANT.

I DECLARE UNDER PENALTY OF PERJURY THAT
THE ABOVE MOTION IS TRUE AND CORRECT.

10-20-05
DATE

Sargie Earl Jones
SIGNATURE OF DEFENDANT

EXHIBIT

J

CERTIFICATION OF SERVICE

I CERTIFY THAT I HAVE THIS DAY SERVED
COPY OF THE FOREGOING MOTION AND PLEADING
ON THE STATE D.A. AND FOR ALL PARTIES
TO THE ACTION IN THE TRIAL COURT ON THIS
THE 20 DAY OF OCT, 2005.

Sergio Earl Gomez
SIGNATURE OF DEFENDANT

FILED IN OFFICE

OCT 24 2005

E. A. Gomez